

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAVIER NAVARRO VILLEGAS, et al.,
Plaintiffs,
v.
FORD MOTOR COMPANY,
Defendant.

No. 1:22-cv-01628-ADA-SAB
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS IN FULL AND
DENYING PLAINTIFFS' MOTION TO
REMAND
(ECF Nos. 16, 25)

Javier Navarro Villegas and Luis Navarro Villegas ("Plaintiffs") bring this action against Defendant Ford Motor Company ("Defendant"), pursuant to California's Song-Beverly Consumer Warranty Act ("Song-Beverly Act"). On December 21, 2022, Defendant removed this matter to this Court. (ECF No. 1.) On February 24, 2023, Plaintiffs filed a motion to remand the case to state court. (ECF No. 16.) The motion was referred to the assigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c)(7). (ECF No. 17.)

After the matter was fully briefed, the Magistrate Judge held a hearing on April 26, 2023. (ECF No. 24.) On April 28, 2023, the Magistrate Judge issued findings and recommendations, recommending that Plaintiffs' motion to remand be denied. (ECF No. 25.) The findings and recommendations contained notice that any objections were to be filed within fourteen days after service. (*Id.*) To date, no objections have been filed and the time to do so has expired.

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In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and proper analysis.

The Court agrees with the Magistrate Judge that Defendant meets its burden to establish that the amount in controversy exceeds \$75,000 based upon the actual damages and civil penalties under the Song-Beverly Act in this case should Plaintiff prevail. (*See* ECF No. 25 at 24.)

Accordingly,

1. The findings and recommendations issued on April 28, 2023, (ECF No. 25), are ADOPTED IN FULL; and
2. The Plaintiffs' motion to remand, (ECF No. 16), is DENIED.

IT IS SO ORDERED.

Dated: July 20, 2023

UNITED STATES DISTRICT JUDGE